

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LISA ANN ACIERNO,

Plaintiff,

v.

Case No: 8:22-cv-2961-KKM-MCR

KILOLO KIJAKAZI,

Acting Commissioner of Social Security Administration,

Defendant.

ORDER

In December 2022, Plaintiff filed this action against the Commissioner of Social Security. See Compl. (Doc. 1). The Commissioner now moves for entry of judgment with remand and Plaintiff does not oppose. Def.'s Unopposed Mot. for Entry of J. (Doc. 14). The Commissioner contends that remand is appropriate because the Social Security Administration will "reassess Plaintiff's residual functional capacity, further evaluate the demands of Plaintiff's past relevant work, offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record, and issue a new decision." *Id.* at 1. When reviewing final agency decisions on social security benefits, the exclusive methods by which district courts may remand to the Commissioner of Social Security are set forth in sentence four and sentence six of 42 U.S.C. § 405(g). *Shalala v. Schaefer*, 509 U.S. 292,

296 (1993). Under sentence four, district courts may “enter upon the pleadings and transcript of record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Thus, for the reasons stated in the Commissioner’s motion, the Court grants the motion. Accordingly, the following is **ORDERED**:

1. Defendant’s unopposed motion for entry of judgment with remand (Doc. 14) is **GRANTED**.
2. The Clerk is directed to enter judgment for Plaintiff with instructions that the Commissioner’s decision is **REVERSED** under sentence four of 42 U.S.C. § 405(g) and the case is **REMANDED** for further administrative proceedings consistent with the reasons stated in Defendant’s motion.
3. The Clerk is directed to close this case.

ORDERED in Tampa, Florida, on May 24, 2023.


Kathryn Kimball Mizelle
United States District Judge